

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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MARYLAND SHALL ISSUE, INC., :  
et al., :  
: Case No:  
Plaintiffs : 16-cv-3311-MJG  
:   
-vs- : Pages 1 - 169  
:   
LAWRENCE HOGAN, in his :  
capacity of Governor of :  
Maryland, et al., :  
:   
Defendants :  
-----X

Deposition of Andy R. Johnson  
Baltimore, Maryland  
Wednesday, April 11, 2018

Reported by: Kathleen M. Vaglica, RPR, RMR  
Job No: 393199

MAGNA LEGAL SERVICES  
(866) 624-6221

1 Q. Does the Licensing Division handle the  
2 revocation of HQLs?

3 A. Yes, sir.

4 Q. And who in the personnel of the HQL unit  
5 would handle the revocation of HQLs?

6 A. That would be up to Sergeant Burns.

7 Q. But it would be Sergeant Burns or someone  
8 under him in the HQL unit that would handle the  
9 processing of revocation of HQLs; correct?

10 A. Yes, sir.

11 Q. Does the HQL unit handle any inquiries  
12 from other units or other sections such as from the  
13 handgun permit section?

14 A. Any inquiries?

15 Q. Inquiries.

16 A. Could you be more specific?

17 Q. Sure. Let me give you a hypothetical  
18 because I don't have actual facts here.

19 Hypothetically, if an individual applied for a  
20 handgun permit and the handgun permit section was  
21 processing that application and a question arose  
22 about the HQL information that had been presented by

1 Scott.)

2 MR. SWEENEY: And this is 88.

3 (Exhibit No. 88, Copy of Letter to Mr.  
4 Deanovich, was marked for identification and  
5 retained by Mr. Scott.)

6 BY MR. SWEENEY:

7 Q. I have had marked as 87 a copy of the  
8 Bulletin LD HQL 17004 and as Exhibit 88 a copy of  
9 your letter to Mr. Deanovich. Can you tell me how  
10 it is that you came about to send this letter to  
11 Mr. Deanovich?

12 A. A request was made to the Licensing  
13 Division to determine whether or not the type of  
14 round that Mr. Deanovich is using would fall under  
15 the qualification for ammunition used for the live  
16 fire component.

17 Q. All right. If I had a firearm that was  
18 loaded only with the simunition that's approved in  
19 Bulletin LD HQL 17004, would I be permitted to  
20 discharge that firearm with that simunition inside  
21 of Baltimore City limits?

22 A. I don't know that.

1 Q. Did you make any inquiry about where in  
2 the state of Maryland that simunition would be  
3 allowed to be used?

4 A. I did not.

5 Q. Do you know of anyone who offers live fire  
6 training for the HQL inside of Baltimore City  
7 limits?

8 A. Live fire component?

9 Q. Mm-hmm.

10 A. I do not.

11 Q. Do you know if the live fire component  
12 training is available in each of Maryland's  
13 counties?

14 A. I do not.

15 Q. Why do you understand the Maryland State  
16 Police allowed the use of simunition in addition to,  
17 I'll just call it ordinary ammunition for purposes  
18 of this question to satisfy the live fire component?

19 A. I'm sorry. Why did we allow it?

20 Q. Yes.

21 A. Because we felt that it fell into the  
22 description required in the law and that it was good

1 A. It currently is kept indefinitely as well.

2 Q. Do you know if that goes back to 2013?

3 A. I'd have to review the copies of the log.

4 Q. Are there other ledgers maintained by the  
5 HQL unit of a similar nature?

6 A. Not to my knowledge.

7 Q. Are revocations maintained -- do you keep  
8 track of revocations in the disapproval ledger? Or  
9 is there a separate ledger that reflects  
10 revocations?

11 A. I believe there may be a separate ledger.  
12 Again, I'd have to review that paperwork, but I  
13 believe it is separate.

14 Q. All right. Have you had a chance to  
15 review the records retention schedule that's in your  
16 notebook here?

17 A. Briefly.

18 Q. All right. Is it your understanding that  
19 the practices of the Licensing Division at this time  
20 are consistent with the requirements of the records  
21 retention and disposal schedule?

22 A. Those are the attempts to be made, yes,

1     sir, to make it in compliance with the retention  
2     schedule.

3           Q.     What do you mean attempts?

4           A.     I'm sure there are times when they are not  
5     100 percent followed.

6           Q.     And what specific instances do you recall  
7     in which in relationship with the HQL it was your  
8     understanding that they were not in compliance with  
9     the record retention and disposal schedule?

10          A.     Could you repeat that?

11          Q.     What specific instances do you recall in  
12     which the HQL unit was not in compliance with the  
13     records retention and disposal schedule?

14          A.     None.

15          Q.     To the extent you recall any such  
16     incidents within your division, it's not within the  
17     HQL unit?

18          A.     Only specifically for a change of a  
19     supervisor. There may be a lapse in time before  
20     that process is caught up to the retention schedule.

21          Q.     Then you have what appears to be a sample  
22     firearm safety lesson plan, which is Bates numbers

1 286 to 313, and can you tell me what that document  
2 is?

3 A. Yes, sir. It's a sample lesson plan for  
4 firearm safety.

5 Q. And do you know who prepared that sample  
6 plan?

7 A. Listed on the document it says it's  
8 prepared by Sergeant Laura Beck.

9 Q. And who is that?

10 A. Excuse me. At the time that this was  
11 prepared, I believe she was at our Education and  
12 Training Division. She's now First Sergeant Laura  
13 Beck.

14 Q. And is that a document that's available on  
15 the Maryland State Police website?

16 A. Yes, sir.

17 Q. Is that a document Maryland State Police  
18 puts on its website for the purpose of making it  
19 available for firearms safety training for the HQL  
20 application?

21 A. That's my understanding, yes, sir.

22 Q. Are you, personally, familiar with the

1 requirements of that sample lesson plan?

2 A. As documented in this lesson plan?

3 Q. Yes.

4 A. No, sir.

5 Q. And have you made any inquiries about the  
6 extent to which the certified instructors in  
7 Maryland are following that sample lesson plan for  
8 the HQL training that they provide?

9 A. I'm sorry. I'd like to have you rephrase  
10 that or ask it again, please.

11 Q. Do it all over again. Do you have any  
12 information about the extent to which the  
13 instructors who are certified by the Maryland State  
14 Police to provide the safety training for the HQL  
15 process are following the sample lesson plan?

16 A. I do not.

17 Q. All right. Do you have any means by  
18 comparing the sample lesson plan to what's required  
19 in the hunter safety training course that Maryland  
20 provides?

21 A. No, sir.

22 Q. We marked as Exhibit 85 a copy from your



1 MR. SCOTT: Objection. Asked and  
2 answered.

3 THE WITNESS: I stand by my original  
4 answer.

5 BY MR. SWEENEY:

6 Q. I would, too, after I was counched by my  
7 counsel in that way.

8 MR. SWEENEY: I don't need speaking  
9 objections, Mr. Scott, nor does the witness. Just  
10 object. That's all you need to do.

11 MR. SCOTT: I'm entitled to state my  
12 basis.

13 MR. SWEENEY: No, you're not.

14 MR. SCOTT: Disagree.

15 MR. SWEENEY: We will.

16 BY MR. SWEENEY:

17 Q. May I direct your attention to item 19,  
18 unintentional accidental shootings in Maryland. You  
19 have a notation there, "We do not track." So what  
20 information do you have about the incidents of  
21 unintentional accidental shootings in Maryland?

22 A. We don't track that information, sir.

1 Q. So you don't have any information or  
2 access to any information about how many  
3 unintentional accidental shootings occur in Maryland  
4 each year?

5 A. No, sir.

6 Q. Do you know anybody who does in the  
7 Maryland state government?

8 A. I do not.

9 Q. To your knowledge, does Maryland State  
10 Police ever have that information available to it?

11 A. Not to my knowledge.

12 Q. All right. Item 20, the public safety  
13 benefits of HQL, what is your notation there?

14 A. Just that we've provided an interrogatory  
15 response for that.

16 Q. All right. Item 21, arrests and  
17 prosecutions for illegal straw purchasers, you say,  
18 "MSP doesn't track. Request has been made to  
19 DPSCS." Have you gotten any information from DPSCS?

20 A. I don't recall if that came in this  
21 morning or not. We have made the request to DPSCS.  
22 We are awaiting a response from them.

1 information provided was all the information that  
2 was pulled from Maryland Judiciary Case Search.

3 Q. Item 22, the number of handguns used in  
4 crime recovered in Maryland each year from 2008 to  
5 2017. You have a note, "MSP doesn't track." Can  
6 you explain that?

7 A. That's correct. We don't track that  
8 information.

9 Q. Maryland State Police has no information  
10 about the number of handguns used in crime recovered  
11 in Maryland each year?

12 A. Not to my knowledge.

13 Q. And what effort did you make to determine  
14 that Maryland State Police does not have that  
15 information?

16 A. I'm sorry. Could you repeat the question,  
17 sir?

18 Q. Sure. What efforts did you make to  
19 determine that Maryland State Police does not have  
20 the information on number of handguns used in crime  
21 recovered in Maryland?

22 A. Both from personal knowledge and

1 conversations with Detective Sergeant Lopez.

2 Q. To your knowledge, has Maryland State  
3 Police ever had access to that information?

4 A. That I don't know.

5 Q. Item 23, the HQL's effect on handgun sales  
6 in Maryland from 2013 through 2017. You have a  
7 note, "No response on effect." What does that mean?

8 A. It just means that I can't, I don't feel  
9 that I can testify on the effect on the sales in  
10 Maryland.

11 Q. Do you have any information on the effect  
12 of handgun sales in Maryland from the HQL?

13 A. Only that today we're back to near record  
14 numbers.

15 Q. What's the basis of that statement?

16 A. Just the information I reviewed here  
17 today.

18 Q. Show me exactly what you're pointing to.  
19 Is that the -- well, just show me what you're  
20 referring to.

21 A. Sure. So I have information on the MAFSS  
22 yearly count of firearm transfer by gun type.

1 that.

2 Q. All right. Does Maryland State Police  
3 track the number of firearms it recovers from  
4 prohibited persons each year?

5 A. Yes.

6 Q. Who has that information?

7 A. That would be the Firearms Enforcement  
8 Unit. I shouldn't say yes. I should say we did. I  
9 don't know if they still do. I assume they do,  
10 but --

11 Q. And does Maryland State Police track the  
12 arrests for purchasing illegal firearms that it does  
13 undercover?

14 A. I don't know if they are separated by  
15 arrests specifically for undercover purchases or  
16 not.

17 Q. Do you know whether or not the HQL has any  
18 effect on the number of firearms recovered from  
19 prohibited persons?

20 A. I'm sorry. Can you ask that again?

21 Q. Sure. Do you know if the HQL has had any  
22 effect on the number of firearms recovered from

1 prohibited persons?

2 A. I do not.

3 Q. Who would have that information?

4 A. As an effect, I don't know who would have  
5 the information other than somebody who's maybe done  
6 a study on the effect of.

7 Q. Well, who -- you said the Firearms  
8 Enforcement Unit maintains the data, assuming they  
9 still maintain it?

10 A. Yes.

11 Q. All right. Wouldn't they be able to tell  
12 whether or not there has been an increase, decrease,  
13 or the number of firearms recovered from prohibited  
14 persons has stayed the same since the HQL was in  
15 effect?

16 A. I misunderstood the question. Can you  
17 repeat the last question?

18 Q. Sure. Let me kind of start all over. Do  
19 you know whether or not the number of firearms  
20 recovered from prohibited persons in Maryland has  
21 increased, decreased, or stayed the same since 2013?

22 A. I left there in January of 2016, so I

1 preparation of those documents?

2 A. Yes, sir.

3 Q. All right. What was your role in the  
4 preparation of these depositions?

5 A. Meeting with counsel, determining what  
6 information needed to be compiled to answer the  
7 interrogatories.

8 Q. Let me direct your attention to what we've  
9 marked as Exhibit 94, the Supplemental Answers. And  
10 directing your attention to page two and three, the  
11 Interrogatory Number 5 asks to identify the number  
12 of HQL applications not completed each year from  
13 2013 to 2017. The answer stated that MSP does not  
14 have this information within its possession.

15 The supplemental answer, I won't read it  
16 all into the record, but if you feel you need to  
17 read it all, that's fine. I want to focus on  
18 paragraph, page three, top of the page where it  
19 says, "This information is not currently tracked by  
20 MSP. It would be possible for the Licensing  
21 Division's Information Technology personnel to  
22 capture the raw number of applications that have

1     been initiated through MSP's website and the raw  
2     number of applications that have been submitted as  
3     final." Did I read that correctly?

4           A.     I believe I was reading ahead of you, but  
5     yes.

6           Q.     Take your time to read the whole thing so  
7     you have it all in mind. I don't want to take it  
8     out of context, but I just want to focus on that  
9     statement.

10          A.     Okay.

11          Q.     To your knowledge, that's a correct  
12     statement?

13          A.     We are on page three, the part that you  
14     read, if I'm correct, is from it would be possible  
15     for Licensing Division?

16          Q.     Correct.

17          A.     Okay. Yes, sir.

18          Q.     All right. Thank you. Going back to  
19     number 93, the interrogatories. 94 is the  
20     supplement. Going back to 93, when we were looking  
21     at the designated topics for testimony, specifically  
22     item 20, the public safety benefits of HQL, your



1           A.     Based on my law enforcement career, yes,  
2     sir.

3           Q.     All right. And do you know whether those  
4     same storage requirements were part of the training  
5     required for 77R prior to the HQL?

6           A.     I do not.

7           Q.     So you can't state whether or not there  
8     are more or less training on the issue of storage of  
9     firearms in the HQL training program than was  
10    provided for the 77R previously; correct?

11          A.     I cannot.

12          Q.     Do you have any information on the extent  
13    to which fewer individuals have obtained access to  
14    handguns who were prohibited from possessing any  
15    firearm since 2013 in Maryland?

16          A.     Can you repeat that? I'm sorry.

17          Q.     Sure. Do you have any information that  
18    fewer individuals prohibited from possessing a  
19    firearm have had access to handguns in Maryland  
20    since 2013?

21          A.     I do not.

22          Q.     Do you have any information on whether or

1 not handguns are stored in compliance with Maryland  
2 law more since 2013 than before?

3 A. I do not.

4 Q. Does anybody at Maryland State Police or  
5 any other agency that you know track that  
6 information?

7 A. Not that I'm aware of. I don't know that,  
8 I don't know -- the first question I don't know that  
9 you would, I don't know the way to track that  
10 information short of going out and asking every  
11 person who's purchasing.

12 Q. Well, we do ask every person who's  
13 purchasing in the state of Maryland on the 77R form  
14 whether or not they are qualified to be in  
15 possession?

16 A. Yes, sir.

17 Q. So we have answers to that information?

18 A. I'd have to rehear the question. More  
19 specifically talking about the first question, it  
20 was -- I don't think it was specific to the 77R  
21 question or the question that's on the 77R.

22 Q. All right. My question was do we have

1 any, do you have any information on whether fewer  
2 individuals are prohibited, that are prohibited from  
3 possessing a firearm have gained access to handguns  
4 in Maryland since 2013? That was my question.

5 A. That fewer --

6 Q. Fewer.

7 A. -- persons --

8 Q. Have attained access?

9 A. -- have attained access? No.

10 Q. Do you know of a single instance in which  
11 a person did not complete the training and complete  
12 their HQL because they were deterred from doing so  
13 by the training requirement?

14 A. I do not.

15 Q. As far as you know, the training  
16 requirement does not deter any individuals from  
17 completing the HQL?

18 A. None that I'm aware of.

19 Q. All right. Focusing on the next paragraph  
20 on page 13 that talks about fingerprints, how is it  
21 that the HQL's fingerprint requirement makes it more  
22 difficult for a prohibited person to obtain access

1 to a firearm?

2 A. First through positive identification of  
3 the person, preventing someone from having a false  
4 ID, fake ID to make a purchase, as well as  
5 potentially preventing a straw purchase from someone  
6 who is deterred by the fact that they are having to  
7 have their fingerprints taken.

8 Q. All right. The 77R required positive  
9 identification of an applicant to purchase a  
10 handgun; correct?

11 A. Yes, sir.

12 Q. And that positive identification consisted  
13 of requiring a Maryland state driver's license or  
14 similar quality identification; correct?

15 A. Yes, sir.

16 Q. And the firearms, is it the registration  
17 section, the firearms registration section of the  
18 process is the 77Rs?

19 A. Yes.

20 Q. And that unit confirms in each case before  
21 not disapproving the purchase of a handgun that the  
22 person who presented that ID is who he or she says

1     they are?

2           A.     To the best of our ability, yes, sir.

3           Q.     And how many times prior to 2013 do you  
4     know individuals somehow beat that positive  
5     identification system under the 77R?

6           A.     I do not know.

7           Q.     Does anybody at Maryland State Police have  
8     that information?

9           A.     Not that I'm aware of.

10          Q.     And you were involved in the firearms  
11     enforcement section beginning in 2013; am I correct?

12          A.     Yes, sir.

13          Q.     And at that time, were you aware of any  
14     instances while you were in that unit in which  
15     individuals had gotten away with purchasing a  
16     handgun with false identification under 77R?

17          A.     I'm trying to remember there was one  
18     specific case. I don't remember the particulars of  
19     the case. I know it revolved around the  
20     identification of the person, but I can't say that  
21     it was for a false ID.

22          Q.     And over what period of time do you recall

1 that one case being the only one that comes to mind?

2 How long were you with that unit? Three years?

3 A. Yes, sir.

4 Q. When the fingerprints given for the HQL  
5 application are processed, what database are they  
6 compared against?

7 A. They are sent from DPSCS. I don't know  
8 who compares the prints.

9 Q. Okay. And are they run against some  
10 database of criminals that are in the criminal  
11 justice system?

12 A. Yes, sir.

13 Q. All right. If the individual who's  
14 applying for an HQL doesn't have a criminal record,  
15 their fingerprints will probably come back  
16 unmatched; correct?

17 A. If they do not have a criminal record,  
18 yes, sir, unless they were fingerprinted for  
19 employment purposes or some other reason.

20 Q. Do you know whether or not the Department  
21 of Public Service matches HQL applicant fingerprints  
22 against other licensing databases of fingerprints or

1 just the criminal records?

2 A. I believe it's run through CJIS. I don't  
3 know what other records they check when they compare  
4 the fingerprints.

5 Q. All right. An individual who was not  
6 disqualified from purchasing a handgun by reason of  
7 prior criminal record would probably come back clean  
8 from a fingerprint check under the HQL application  
9 process; correct?

10 A. Someone who is not disqualified? Under  
11 the fingerprint --

12 Q. Not disqualified to purchase a handgun or  
13 to obtain an HQL would probably come back clean  
14 after giving their fingerprints; correct?

15 A. Yes, sir.

16 Q. So the fingerprinting requirement is not  
17 catching any persons not qualified to obtain a  
18 handgun in Maryland in the HQL process, is it?

19 MR. SCOTT: Objection to the form.

20 THE WITNESS: I wouldn't say that, but I'd  
21 have to have you repeat the question.

22 BY MR. SWEENEY:

1 Q. Sure. Let me try it a different way.

2 Under the 77R process then and now individual  
3 purchasers of handguns are checked to see whether or  
4 not they are legally able to possess a handgun;  
5 correct?

6 A. Yes.

7 Q. And if they are legally able to possess a  
8 handgun under the 77R process, presumably they would  
9 also pass the HQL application process and obtain an  
10 HQL; correct?

11 A. Yes.

12 Q. What is it about the fingerprinting  
13 requirement that is allowing the HQL process to  
14 catch any disqualified persons who are trying to  
15 obtain a handgun in Maryland?

16 A. Specifically to the proper identification  
17 of that person. When that fingerprint is submitted,  
18 if it's run through the system, we have, we receive  
19 a code back. That code is matched to the applicant,  
20 as well as the applicant's name and date of birth  
21 and the date that they were fingerprinted,  
22 therefore, assuring us that the person that's



1 actually making the purchase is, in fact, who they  
2 say they are.

3 Q. And you have no information; correct,  
4 about the extent to which false identifications have  
5 been used to purchase handguns in Maryland prior to  
6 the HQL?

7 A. Correct.

8 MR. SWEENEY: All right. Let's take a  
9 break for lunch.

10 (Whereupon, a lunch recess was taken from  
11 1:00 to 2:09 p.m.)

12 BY MR. SWEENEY:

13 Q. Captain Johnson, do you have any  
14 information on how many crimes were committed each  
15 year with illegally purchased handguns in Maryland  
16 prior to the HQL?

17 A. I'm missing some of the information. I'm  
18 sorry.

19 MR. SCOTT: Oh, it's --

20 THE WITNESS: Yeah, that's what I'm  
21 looking for.

22 MR. SWEENEY: That I need a copy of.

1 law enforcement officers are shot by handguns each  
2 year in Maryland?

3 A. I don't have that information readily  
4 available.

5 Q. Do you have any information about whether  
6 or not the number of law enforcement officers shot  
7 by handguns in Maryland has decreased since the HQL  
8 went into effect in 2013?

9 A. No, sir.

10 Q. Has the homicide rate increased in  
11 Maryland since the HQL went into effect?

12 A. I don't have those statistics.

13 Q. Does anybody in Maryland State Police  
14 track that information?

15 A. Not that I'm aware of.

16 Q. Do you have any information about how many  
17 handguns are lost or stolen in Maryland every year?

18 A. I do not.

19 Q. Do you have any information about how many  
20 handguns used in crime in Maryland were purchased  
21 outside of Maryland?

22 A. I do not.

1 MR. SWEENEY: Let's mark this as  
2 Exhibit 97.

3 (Exhibit No. 97, Bates Numbers 1193 to  
4 1217, was marked for identification and retained by  
5 Mr. Scott.)

6 BY MR. SWEENEY:

7 Q. Captain Johnson, while we were off the  
8 record, I marked as Exhibit 97 a document which is  
9 Bates numbers 1193 through 1217, and this is a copy  
10 which is 11-and-a-half by 17 inch blowup, makes it a  
11 little bit easier for all of us to read. And can  
12 you identify that document for us?

13 A. It is from the HQL section. I'm just  
14 trying to determine if it's the disapproval ledger.  
15 Does not have dates, so I'm just trying to -- it  
16 appears it's the HQL's administrative denial log.

17 Q. And can you tell us what this is used for?  
18 Is this -- first of all, strike that question. You  
19 mentioned before, we were talking about an  
20 administrative ledger. Is this the administrative  
21 ledger you were referring to?

22 A. So the administrative ledger is different

1     than the administrative denial log.

2           Q.     And what does the administrative ledger  
3     track?

4           A.     The administrative denial log is the log  
5     of those items, those persons who were disapproved  
6     administratively. The disapproval ledger are the  
7     folks that have been, had full denials.

8           Q.     A number of these entries under final  
9     action indicate overturned. What does that mean?

10          A.     It means that whatever the reason for the  
11     initial disapproval has been corrected and,  
12     therefore, the initial denial has been overturned.

13          Q.     So we can conclude that this is the  
14     administrative ledger that tracks the initial  
15     denials, but not final disapprovals and that we are  
16     not looking at the disapproval log?

17          A.     Could you repeat that one more time?

18                     (The reporter read back as requested.)

19                     THE WITNESS: Correct.

20     BY MR. SWEENEY:

21           Q.     The first date that I see entered on this  
22     log is for August 28, 2015. Do you know if there is

1 the code? You have this list of codes on 96. What  
2 code is used for an administrative disapproval of an  
3 HQL?

4 MR. SCOTT: Objection to form.

5 THE WITNESS: If you look at those codes  
6 in 2014, there's a drop-down menu for administrative  
7 HQL, and that was separated from an administrative  
8 denial for FRS. So, if it was on that ledger at  
9 that time and it was an administrative disapproval,  
10 it was listed as administrative HQL. That was the  
11 code that was used.

12 BY MR. SWEENEY:

13 Q. Okay. And I see that you have two  
14 separate disapproval codes, one for, that's headed  
15 administrative FRU and one that's headed  
16 administrative HQL that began in 2017 as you just  
17 described; correct?

18 A. Yes, sir.

19 Q. What are the reasons which would result in  
20 the HQL unit administratively disapproving an HQL  
21 application?

22 A. An incomplete application.

1 Q. Now, an application has to have certain  
2 requisite elements before it can even be submitted  
3 to the HQL unit by the applicant; correct?

4 A. It can be submitted. I don't know if all  
5 of the information has to be submitted prior to the  
6 submission to the HQL section.

7 Q. Okay. So what are the things that are  
8 incomplete in an HQL application that do result in  
9 administrative disapproval?

10 A. Live Scan, training, proof of residency,  
11 military DD214. Looks like a large percentage are  
12 Live Scan and training issues. Some proof of  
13 residency issues, underage. It appears that most of  
14 them are Live Scan and training.

15 Q. Why is underage an administrative  
16 disapproval as opposed to a permanent disapproval?

17 A. Because if someone, if we contact the  
18 person, we allow them to keep the application in  
19 until they turn 21.

20 Q. Are there any other of the grounds for  
21 permanent disapproval that you allow an applicant to  
22 keep an HQL application alive while they try to

1 report, the person is put on this log or ledger as a  
2 person who's come back on that report. That's what  
3 I recognize this to be.

4 Q. We had been calling this the revocation  
5 log.

6 A. Correct.

7 Q. Does that make -- is that what you would  
8 call it?

9 A. Yes, sir.

10 Q. And it is a different spreadsheet and  
11 stream of data than the administrative log that we  
12 marked as Exhibit 97; correct?

13 A. Yes, sir.

14 Q. And let me understand what's a Rap Back?

15 A. I believe it's a record of arrest and  
16 prosecution, if I'm not mistaken, or processing.  
17 I'm sorry. Not prosecution.

18 Q. What does that mean?

19 A. That's a term that they use when they are  
20 getting this -- it's called an ADR report, Arrest  
21 Disposition Report, sent back to the unit based on  
22 someone's fingerprints who has now been charged with

1 a crime or arrested.

2 Q. And what does the HQL unit do with that  
3 information? In other words, an HQL holder has been  
4 fingerprinted in connection with an arrest. That  
5 information comes to the HQL unit. It's reflected  
6 in this log. What then happens?

7 A. If -- you can see there are some here that  
8 have been revoked, so if the charge is prohibitor,  
9 they would follow the disposition of the case; and  
10 once the case had a disposition, if it is, in fact,  
11 a disqualifier, they would then revoke the person's  
12 HQL. Those are highlighted in the blue on the color  
13 copy we have here.

14 Q. Do you know what the significance, if any,  
15 of the yellow highlighting is?

16 A. I believe those are cases that may still  
17 be under disposition. Actually, I don't know. I  
18 believe they were still -- they have not yet  
19 received disposition, I believe. That's my  
20 understanding of what they are.

21 So, if you look at the majority of the  
22 charges in white, they are either for the most part



1 has a handgun permit, the code for the fingerprints  
2 is related to handgun permit. They would be  
3 notified. They would then notify HQL.

4 Q. All right. So, before the HQL  
5 fingerprinting requirement, if the owner of a  
6 registered firearm in Maryland was arrested for a  
7 potentially disqualifying crime, was there any  
8 report of that arrest that went to anyone at  
9 Maryland State Police?

10 A. Not that I recall.

11 Q. And other than reports that are triggered  
12 by fingerprint matches, would the HQL fingerprint  
13 data that's kept on file, there's no reporting to  
14 Maryland State Police of the arrest of any HQL  
15 holder now; correct?

16 A. That is my understanding, yes, sir.

17 Q. Going back to Exhibit 97, if you would for  
18 a moment, and let's just look at the first item and  
19 see -- it's on Bates stamp page 1214 and see if we  
20 can understand it.

21 There appears to be a column that's been  
22 redacted in black on the far left of the page. Are

1 the administrative log when the application in  
2 question was submitted?

3 A. I don't believe so.

4 Q. Are the dates in which an application that  
5 has been administratively disapproved is overturned  
6 all occurring within 30 days of the submission of  
7 that application to MSP?

8 A. I'm going to have to have you repeat that.  
9 I'm sorry.

10 MR. SWEENEY: Please read that back,  
11 Kathy.

12 (The reporter read back as requested.)

13 THE WITNESS: Once the, the reason for  
14 administrative denial has been corrected, it then  
15 becomes a properly completed application. Within  
16 30 days of that happening, they are being  
17 overturned, yes, sir.

18 BY MR. SWEENEY:

19 Q. And I'm trying to find out what the time  
20 period is between the submission of the application  
21 and the overturning of the administrative  
22 disapproval. Is that within 30 days?

1           A.     The time that it's denied and the  
2     administrative approval? In most cases it would be.  
3     However, if it's not a properly completed  
4     application, we can only make a decision on it once  
5     we have a properly completed application.

6           Q.     What I'm trying to find out is how long  
7     does that take?

8           A.     It varies.

9           Q.     And does it sometimes involve more than  
10    30 days from the submission of the application?

11          A.     From the submission of a not properly  
12    completed application to the time of overturn for a  
13    denial, yes.

14          Q.     All right. More than 30 days?

15          A.     Yes, sir.

16          Q.     And that's happened more than once;  
17    correct?

18          A.     I would assume so.

19          Q.     All right. And do you know how often it's  
20    happened?

21          A.     I'm just told that it's, most of those  
22    cases are still generally, once we have the reason